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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOSEPH ANTHONY MCDANIELS,

14 Defendant.

CASE NO. CR12-0185JLR

ORDER

15 Before the court is Defendant Joseph Anthony McDaniels's motion for early
16 termination of supervised release. (Mot. (Dkt. # 169).) Plaintiff the United States of
17 America (the "Government") opposes his motion. (Resp. (Dkt. # 171).) United States
18 Probation and Pretrial Services ("Probation") also opposes the motion. (See Probation
19 Resp. (Dkt. # 172); *see also* Mot. at 2 (noting response from Probation Officer Kenny
20 James).) The court has considered the parties' submissions, the relevant portions of the
21 record, and the applicable law. Being fully advised, the court DENIES Mr. McDaniels's
22 motion for early termination of supervised release.

1 On January 22, 2013, Mr. McDaniels pleaded guilty to interstate transportation for
2 prostitution, in violation of 18 U.S.C. § 2421. (Judgment (Dkt. # 118) at 1.) The court
3 sentenced Mr. McDaniels to 113 months of imprisonment followed by three years of
4 supervised release. (*Id.* at 2-3.) Mr. McDaniels's period of supervised release began on
5 September 4, 2020 and is set to expire on September 3, 2023. (Probation Resp. at 1; Mot.
6 at 1.) To date, he has violated the terms of his release on two occasions, most recently
7 for "[c]onsuming cocaine, on or about August 15, 2022." (*See* 8/22/22 NCS (Dkt.
8 # 173); *see also* 11/9/21 NCS (Dkt. # 166) (notifying the court that Mr. McDaniels
9 engaged in unapproved work).) He has otherwise "performed relatively well while on
10 supervision" (Resp. at 1), including by completing sex offender treatment in September
11 2021 (*see* Probation Resp. at 2).

12 Mr. McDaniels argues that early termination is warranted because he "no longer
13 poses a threat to the community and has done everything asked of him by his probation
14 officer." (*See* Mot. at 1-2.) He notes that his financial and housing situation in
15 Washington is precarious and that he wishes to relocate to Arkansas, where he would be
16 near family members who would provide him access to more affordable housing and
17 "pro-social relationships." (*See id.* at 2.) He contends that "[t]ermination of his
18 supervised release would make this transition much easier." (*Id.*) The Government
19 argues that "the nature of [Mr. McDaniels's] underlying conviction and his criminal
20 history weigh in favor of the continuation of supervised release," and notes that the court
21 previously found that "Mr. McDaniels' criminal and disciplinary history[,] and the
22 potential danger Mr. McDaniels poses to the community," among other reasons, provided

1 grounds to deny his motion for compassionate release. (*See* Resp. at 1-2 (first citing PSR
2 (Dkt. # 112) ¶¶ 29-46; and then quoting 8/5/20 Order (Dkt. # 159) at 3).) Probation also
3 opposes Mr. McDaniels’s motion, in keeping with its policy of opposing early
4 termination for any defendant who, like Mr. McDaniels, has been convicted of a sex
5 offense. (*See* Probation Resp. at 2; Mot. at 2; Resp. at 1.)


6 After considering the factors set forth in 18 U.S.C. § 3553(a), a court may
7 “terminate a term of supervision . . . at any time after the expiration of one year of
8 supervised release” if such action is warranted by the defendant’s conduct and in the
9 interests of justice. *See* 18 U.S.C. § 3583(e)(1). The crime to which Mr. McDaniels pled
10 guilty was very serious, as reflected in the sentence imposed by the court. The court is
11 thus reluctant to undermine that statement by terminating his period of supervised release
12 early. Moreover, although the court is largely encouraged by Mr. McDaniels’s
13 performance on supervision, his recent positive drug test is troubling to the court, as is his
14 related decision “to associate with antisocial peers.” (*See* 8/22/22 NCS.) If Mr.
15 McDaniels remains on supervised release, Probation can continue to monitor his conduct
16 and provide the necessary resources and support to ensure that he remains crime-free and
17 continues to make positive choices, including with respect to his sobriety and social
18 relationships. Accordingly, on balance, the court finds that Mr. McDaniels’s conduct, the
19 interests of justice, and the factors laid out in 18 U.S.C. § 3553(a) do not support early
20 termination.

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1 For the foregoing reasons, the court DENIES Mr. McDaniels's motion for early
2 termination of supervised release (Dkt. # 169).

3 Dated this 24th day of August, 2022.

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6 JAMES L. ROBART
7 United States District Judge
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